

Danielle M. Ryman
DRyman@perkinscoie.com
Jared L. Gardner
JGardner@perkinscoie.com
PERKINS COIE LLP
1029 West Third Avenue, Suite 300
Anchorage, AK 99501-1981
Telephone: 907.279.8561
Facsimile: 907.276.3108

Attorneys for Defendant
ASRC Energy Services - Houston Contracting
Company, Inc.

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ALASKA

JOSEPH CATANIA,

Plaintiff,

v.

ASRC ENERGY SERVICES,

Defendant.

Case No. 3:18-cv-_____

NOTICE OF REMOVAL

PLEASE TAKE NOTICE that pursuant to 28 U.S.C. §§ 1441 and 1446, Defendant ASRC Energy Services - Houston Contracting Company, Inc. (improperly pled as ASRC Energy Services), hereby removes Case No. 3AN-18-07475 CI, entitled *Joseph Catania v. ASRC Energy Services*, from the Superior Court of Alaska at Anchorage, where the case was originally filed and is currently pending, to the United States District Court for the District of Alaska. The removal is based on 28 U.S.C. §§ 1331, 1441, 1446, and on the following grounds:

NOTICE OF REMOVAL
Catania v. ASRC Energy Services

-1-

140979533.4

1. On or about June 22, 2018, Plaintiff filed a complaint in the Superior Court for the State of Alaska at Anchorage. Plaintiff did not serve Defendant. Plaintiff filed an amended complaint on or about August 8, 2018. A copy of the amended complaint is attached as Exhibit A.

2. Defendant was served with a copy of the amended complaint on or about August 8, 2018. This Notice of Removal is therefore timely under 28 U.S.C. § 1446(b) because the Defendant filed this Notice within 30 days after receiving the pleadings from which it could first determine that this action was removable.


3. In his amended complaint, Plaintiff asserts a violation of the Age Discrimination in Employment Act, 29 U.S.C. § 623, a federal statute. Amended complaint at ¶ 3.1–3.6. Plaintiff also asserts a violation of the Americans with Disabilities Act, 42 U.S.C. § 12101, et seq., a federal statute. Amended complaint at ¶¶ 3.7–3.13. This Court therefore has original jurisdiction of this action pursuant to 28 U.S.C. § 1331.

4. Pursuant to 28 U.S.C. § 1441(a), venue is proper in this Court because this is the District Court for the district and division embracing the place where the state court action is pending.

5. Contemporaneous with the filing of this Notice of Removal, the undersigned will provide written notice of the removal to Plaintiff and will file a copy of this Notice of Removal with the Clerk of the Superior Court at Anchorage as required by 28 U.S.C. § 1446(d).

DATED: September 7, 2018.

PERKINS COIE LLP



Danielle M. Ryman, Alaska Bar No. 9911071

DRyman@perkinscoie.com

Jared L. Gardner, Alaska Bar No. 1511071

JGardner@perkinscoie.com

PERKINS COIE LLP

1029 West Third Avenue, Suite 300

Anchorage, AK 99501-1981

Telephone: 907.279.8561

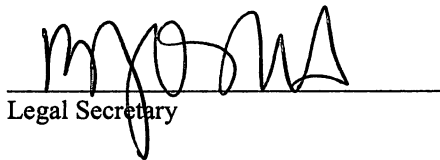
Facsimile: 907.276.3108

Attorneys for Defendant

CERTIFICATE OF SERVICE

The undersigned hereby certifies that
on September 7, 2018, a true and correct copy
of the foregoing document was served by
U.S. Mail on:

Isaac Derek Zorea
Isaac Zorea Law Office
PO Box 210434
Anchorage, AK 99521


Legal Secretary

PERKINS COIE LLP
1029 West Third Avenue, Suite 300
Anchorage, AK 99501-1981
907.279.8561 / Facsimile 907.276.3108

NOTICE OF REMOVAL
Catania v. ASRC Energy Services

-3-

140979533.4